

REMARKS

Applicants have considered the outstanding official action. It is respectfully submitted that the claims are directed to patentable subject matter as set forth below.

Initially, applicants note that the only amendment to the claims is the addition of independent claim 55. Claim 55 combines the limitations of claims 1, 4 and 5. Accordingly, the features of claim 55 have been considered in the search previously conducted by the Examiner. In the event, the claims are not allowed, applicants request the entry of the present amendment for purposes of appeal in order to consolidate the issues on appeal.

The outstanding rejections are as follows:

- (1) Claims 1, 4-11, 15, 17-19, 24, 26 and 47-54 under 35 U.S.C. §103(a) over U.S. Patent No. 5,458,033 (Wierschke) in view of Great Britain Application No. 2 137 918 (Perini); and
- (2) Claims 12, 20-23 and 44 under 35 U.S.C. §103(a) over Wierschke in view of Perini and further in view of U.S. Patent No. 4,033,862 (Spencer).

Claims 1, 48, 49, 50, 51 and 53 are the rejected independent claims.

With regard to the above rejections, the two primary references of Wierschke and Perini are not combinable with one another to provide the claimed devices because each reference is based on a different approach to the problem of trim removal and these teachings are inconsistent with one another.

The device of Wierschke is based on having an upper pneumatic gripping device which grips rolls but does not grip trims. Lower rails 15 are provided as a temporary support for the first and the last rolls of each set of rolls. The trims are removed because the trims are not gripped by the pneumatic gripping device and are not supported by the rails which are maintained in an open position when the trims move along the gap between conveyor 18 and conveyor 44. Therefore, an essential teaching of Wierschke is that the rolls are gripped on the top and are not supported on the bottom, while the trims are neither gripped on the top nor supported on the bottom.

The device of Perini is based on moving an upper belt 38 and a lower belt 5 at the same advancing speed. Rolls are supported by the supporting elements or lugs 40 carried by the upper belt 38 and are further supported on the lower part thereof by the belt 5. In a certain position along the belt 38, the lugs 40 are missing. This position

corresponds to the position of the trims. With this arrangement, trims fall down and are removed from processing because the trims are not supported at the top.

The Examiner has selected individual isolated elements of Wierschke and Perini and has taken them out of context from the devices as a whole as described in each reference. To take these selected elements and combine them in such a way to produce a different machine (i.e., applicants' claimed device) requires inventive skill or hindsight from applicants' teachings because the teachings of Wierschke and Perini, as set forth above, are mutually exclusive. One skilled in the art would simply not take the elements selected by the Examiner from Perini and combine them with the structure of Wierschke in view of the specific teachings of each reference and the lack of other teaching. Applicants' claims are directed to entirely different devices, wherein the individual features and limitations co-act in a novel and entirely unpredictable manner. As such, the combination of Wierschke and Perini would not result in obtaining applicants' claimed device. Further, neither reference provides any suggestion to modify the devices described therein and combine the disclosure of these references to provide applicants' claimed device. This is in particular evident since applicants' claimed

device includes a lower longitudinal supporting element which is stationary. The lower members 15 and 5 of Wierschke and Perini, respectively, are not stationary. In Wierschke, the rails 15 are movable so as to be spaced apart to allow the trims to fall in the gap for removal and must then be closed again to support the first roll and the last roll of each series of rolls being processed. See, column 3, lines 30-31, 41-42, 46, and 54-58. In Perini, the lower belt 5 advances at the same speed as the upper belt 38 and at the same speed as the rolls. See, page 2, lines 63-68. Accordingly, each of the applied references lacks the teaching of a critical element of the claims and, rather, teaches against the claimed structure.

Wierschke is based on a different concept from that of Perini and, thus, it would not be obvious to combine Wierschke with Perini or modify Wierschke in view of Perini in order to obtain applicants' devices as claimed. The Examiner acknowledges at pages 3-4 of the outstanding office action that -

"Wierschke does not disclose at least one stationary longitudinal lower supporting element for the products, parallel to said upper movable flexible member (i.e. 24/25/26) and bridging said input and said output member (input and output

conveyors); where an essentially aligned position of said flexible member and of said longitudinal lower supporting element being such that the products advance in contact with and supported during the elimination of said trimmings by the contact member (i.e. 27/28) of the flexible member and with the longitudinal lower supporting element (i.e. 15a/15b)."

Accordingly, the Examiner acknowledges significant shortcomings of Wierschke with respect to the claimed features of applicants' devices. A combination with Perini would not result in applicant's claimed stationary longitudinal supporting element since Perini teaches a different method of trim removal from both Wierschke and applicants and does not teach or suggest this claimed feature. Perini teaches that each roll R is supported on one side by a moving lower conveyor belt 5 and on the other side by a respective support 40 carried by an upper belt/chain 38. The lower conveyor belt 5 and the upper belt 38 move constantly at the same speed and are synchronized with the rolls R arriving from a cutting machine. The trims are not held by a respective support 40 and, thus, fall away when no longer supported as shown in Figure 4. The device of Perini requires a precise synchronization between the

motion of all the members involved, i.e., moving conveyor belt 5, moving chain 38, and the pusher feeding the rolls. The belt 5 and the chain 38 must be as long as the log being processed to provide the required synchronization. It is not possible to change the length of the log. This would require entire adaptation of the machine. Applicants claimed device does not have such limitation due to the differences in structure.

The pivotal rails of Wierschke, therefore cannot be replaced by fixed-in-place moving conveyor belts as taught by Perini. Therefore, neither Wierschke nor Perini alone or in combination disclose or suggest a stationary longitudinal lower supporting element as claimed.

As to applicants' device of claim 55, the upper movable flexible member 23 carries a series of contact members, e.g., contact members 29, 29A, and 29B, as shown for example in Figures 1-8, or contact members 29 and 29X, as shown for example in Figures 9-11. Only the leading and the trailing members 29A and 29B are controlled to mechanically grip or grasp the leading and the trailing rolls in each set of rolls. The same is true with respect to members 29X, as shown in Figure 9, which are arranged in the leading and in the trailing section of contact members 29, supported by the flexible movable member 23. However,

the contact members 29 arranged between the leading members 29A, 29X and the trailing members 29B, 29X are not designed to grasp the rolls, but rather to provide a sliding support for the rolls. The speed of the rolls R are different from the advancing speed of the contact members 29. Further, the latter may be stationary during a part of the process. As shown for example in Figure 2, the upper flexible member 23 remains stationary until the last one or two trailing rolls RN reach the trim removal device. The rolls are advanced by the pusher 11 and are supported by the stationary lower member 21 and by the temporarily stationary contact member 29 on the top. Only when the last rolls RN reach the trim removal device will the flexible member 23 be accelerated up to substantially the same speed or even a higher speed than the rolls RN in order to grip the rolls RN by means of the trailing contact member 29B and push the trailing rolls RN away from the pusher 11 towards the exit conveyor 7.

This claimed feature enables the use of a short trim removal device because, contrary to what occurs in the devices of both Wierschke and Perini, the length of the upper flexible member 23 is not connected to the length of the log to be processed. The set of rolls obtained by cutting an individual log can be much longer than the length of the section of movable member 23 provided with the

contact member 29, 29A, 29B. The reason for this is that during the intermediate phase when the leading trim has been removed and the trailing trim has not yet reached the trim removal device, the rolls R can be pushed by the pusher 11 while the upper flexible member 23 is kept stationary. Thus, the rolls slide along the lower element 21 and the upper contact member 29. This feature is reflected in claim 5 and now also in independent claim 55. As such, claim 55 claims a device in which the upper flexible member is provided with at least a first leading contact member designed to grasp the first roll, e.g., contact member 29A, at least a second trailing contact member for mechanically grasping the last roll, e.g., contact member 29B, and a set of intermediate low friction contact members, e.g., contact members 29, defining a sliding surface for the rolls.

Accordingly, the combination of Wierschke and Perini do not teach or suggest that the series of products are in contact with and supported (1) by the contact members of the flexible member and (2) by the stationary longitudinal lower supporting member as claimed.

Applicants' claimed devices also require at least one pusher to insert the series of products with respective trimmings between the movable upper flexible member and the stationary longitudinal lower supporting element. This is

not disclosed by Wierschke. Rather, Wierschke describes a pusher mechanism 17 that extends up through the space between rails 15 to advance the products from underneath the belts 24, 25 and 26 which have suction pads 28 to suspend the rolls above the gap 16. Each roll is retained by suction to the moving pads 28 on the belts 24, 25, 26 and carried downstream.

Accordingly, Wierschke in combination with Perini does not render the claimed devices obvious within the meaning of 35 U.S.C. §103. Withdrawal of the §103 rejection is requested.

Wierschke and Perini are also applied in combination with Spencer to reject dependent claims 12, 20-23 and 44 under 35 U.S.C. §103(a). Spencer is relied on solely for the structure of the mechanical finger grippers described therein. Thus, Spencer does not make up for the shortcomings of Wierschke and Perini as set forth above as to the base claims and as previously set forth in applicants' prior response. Accordingly, the combination of Wierschke, Perini and Spencer also does not render the claimed devices obvious within the meaning of 35 U.S.C. §103. Withdrawal of this rejection is requested.

Reconsideration and allowance of the claims are respectfully urged.

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Respectfully submitted,

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